

### **REMARKS**

Reconsideration of the application, in view of the above amendments and the following remarks is respectfully requested.

The examiner objects to the specification because the serial number of the co-pending application referred to in paragraph 1 is missing. The specification has been amended herewith.

The examiner objects to Claims 10-12 under because the phrase "the drive engine lacks proper antecedent basis". These claims have been corrected herewith.

The examiner rejects Claims 1-6, 8, 9, 13 and 14 under 35 U.S.C. § 102(e) as being anticipated by Laor, US Patent 6,760,506. The examiner states that Laor discloses a scanning device in Figs. 22-25 in which 9 is the mirror having a support structure 14 pivotally supporting a functional surface portion along a first axis by a pair of torsional hinges resonant frequency such that the pivoting of the functional surface portion about the pair of torsional hinges which pivots about said first axis, which the examiner has labeled as axis 11, and at least one magnet 28 located along the axis.

This rejection is respectfully traversed. The examiner has correctly labeled the axis as 11, as clearly shown in Fig. 22A. The examiner has referred to the magnet 28, which is clearly shown in Fig. 22A as being off the axis at one edge of the central mirror 9. The disadvantage of this arrangement is clearly recited in paragraph 0010 of the present application.

It should be noted that the axis 13 cannot be considered the axis referred to in Claim 1, because the magnet must cooperate with the magnetic driver located below the mirror to cause oscillation about the first pair of torsion hinges, which are recited as being along the first axis. It is clear from Figs. 22-24 that the magnets 28 are used to cause the mirror 9 to pivot about the axis 11.

The present invention overcomes the problem mention in paragraph 0010 of the present application by moving the mass of the magnets onto the axis upon which it pivots which clearly reduces the inertia of the system and the stress on the pivoting mirror itself.

The examiner rejects Claims 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Laor. These claims are indirectly dependent upon Claim 1. The

patentability of Claim 1 having been shown above, these claims are patentable for the same reasons.

The examiner rejects Claim 7 under 35 U.S.C. § 103(a) as being unpatentable over Laor in view of Solgaard et al. Claim 7 is dependent upon Claim 1. The patentability of Claim 1 having been shown above, this claim is patentable for the same reasons.

Accordingly, Applicants have not amended the claims in view of the references cited by the examiner and request that the prior art rejections be withdrawn.

Accordingly, Applicants believe that the application, as amended, is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
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